

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 15-63
)	
JAMES HATZIMBES,)	
DME PLUS, INC, and)	
RICHARD A. RYDZE)	

MEMORANDUM OPINION & ORDER

Defendant Richard Rydze has filed a Pretrial Motion Seeking Adoption of Prior Orders in Case 2:12-CR-262 and Orders Compelling fact and Expert Discovery. ECF No. 69. The government has filed a Response indicating that it has no objection to the motions, decisions, and discovery order filed in Cr No. 12-262 to be deemed filed in this case. The government also indicates that it intends to comply with its discovery obligations under Rule 16 and the applicable case law, specifically noting that it will provide certain materials relied upon by an expert witness to the defense. The government's response has satisfied the Court that it is meeting its discovery obligations the following Order is hereby entered.

It is HEREBY ORDERED, ADJUDGED, and DECREED that Defendant's Pretrial Motion is hereby GRANTED as follows. Defendants' suppression motions as previously ruled upon by this Court in Case No. 2:12-cr-262 (ECF Nos. 141 and 144) are deemed also to have been filed and decided in the instant case. The Court's pretrial discovery order filed in Case No. 2:12-cr-262 (ECF 128) is hereby incorporated by reference and made an Order in this case.

IT IS FURTHER ORDERED that the government shall comply with its obligations under Brady v. Maryland, 373 U.S. 83 (1963) and United States v. Augurs, 427 U.S. 97 (1975). In addition, the government should disclose exculpatory or impeachment evidence that must be disclosed pursuant to the relevant law, to defense counsel as it becomes known to the government and consistent with the Jencks Act.

IT IS FURTHER ORDERED that the government shall disclose to the defense the materials it provided to its expert witnesses consistent with Rule 16 and its obligations under the law.

Date: April 12, 2016

Maurice B. Cohill, Jr.
Maurice B. Cohill, Jr.
Senior United States District Court Judge